

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: FOSAMAX (ALENDRONATE
SODIUM): PRODUCTS LIABILITY
LITIGATION**

THIS DOCUMENT RELATES TO:

Linda Brooks, No. 12-cv-6468

MDL No. 2243

Master Docket No. 08-08 (JAP)(LHG)

PISANO, District Judge

Presently before the Court is Defendant, Merck Sharp & Dohme Corp. and Merck & Co., Inc.'s (collectively "Merck" or "Defendant") motion to dismiss [docket #3875] Plaintiff, Linda Brooks' ("Plaintiff") case for failure to provide a verified Plaintiff Profile Form ("PPF") and Authorizations for Release of Medical Records and other sources of information ("Authorizations") as required by Case Management Order No. 8 ("CMO 8"). The Court considered the papers filed by the parties and rules on the written submissions without oral argument pursuant to Federal Rule of Civil Procedure 78.

IT APPEARING TO THE COURT THAT, CMO 8 requires Plaintiffs to submit completed PPFs and Authorizations to counsel for Defendant within seventy-five (75) days from the date their complaint is answered; and

IT APPEARING TO THE COURT THAT, to the extent any Plaintiff fails to submit the required forms, Merck may thereafter send a deficiency letter giving the individual Plaintiff thirty (30) days to cure; and

IT APPEARING TO THE COURT THAT, CMO 8 provides where any Plaintiff fails to cure, Merck may move for dismissal of the Plaintiffs' claims; and

IT APPEARING TO THE COURT THAT, Plaintiff failed to provide Merck with the required PPFS and Authorizations; and

IT APPEARING TO THE COURT THAT, Merck sent Plaintiff's counsel a deficiency letter surrounding the failure; and

IT APPEARING TO THE COURT THAT, Plaintiff failed to cure the deficiencies and Plaintiff's counsel was advised that Plaintiff is now deceased;

Accordingly,

It is on this 6th day of January, 2015,

ORDERED that Merck's motion to dismiss [docket #3875] is GRANTED, as Plaintiff has failed to comply with CMO 8; and it is further

ORDERED that the Clerk of this Court shall terminate Plaintiff Linda Brooks from lead docket 08-cv-08; and it is further

ORDERED that Plaintiff's individual Complaint is DISMISSED; and it is further

ORDERED that the Clerk of this Court shall terminate Plaintiff's individual action, docket no. 12-cv-6468.

/s/ Joel A. Pisano
JOEL A. PISANO
United States District Judge